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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

IRUELA-ARISPE *et al.*

Appl. No. 09/373,658

Filed: August 13, 1999

For: **Meth1 and Meth2 Polynucleotides
and Polypeptides**



Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1488.1070006/EKS/AJK

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

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SEP 22 1999

TECHNOLOGY CENTER 2800

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents AM1, AN1 and AR21 are submitted herewith. Copies of the remaining documents were cited by or submitted to the Office in Application No. 09/235,810, filed January 22, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of those documents are not attached. 37 C.F.R. § 1.98(d).

Document AM1, WO 98/55643, is in a foreign language. An English language translation of Document AM1 is provided as Document AR21.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the

undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner's attention is directed to co-pending U.S. Patent Application Nos. 09/235,810, filed January 22, 1999 and 09/318,208, filed May 25, 1999, which are directed to related technical subject matter.

Applicants wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding clone of this application may be considered to be related to the following SEQ ID NOs, in the following co-pending applications:

SEQ ID NOs	U.S. Appl. No.	Filing Date
1220	08/103,744	August 9, 1993
5625	08/104,507	August 9, 1993
6424	08/196,363	February 15, 1994
3446 and 4403	08/803,609	February 21, 1997
1787	09/076,898	May 13, 1998

Applicants also wish to bring to the attention of the Examiner that SEQ ID NO:3 and the corresponding clone of this application may be considered to be related to the following SEQ ID NOs, in the following co-pending applications:

SEQ ID NOs	U.S. Appl. No.	Filing Date
1219	08/103,744	August 9, 1993
1172	08/104,507	August 9, 1993
2771 and 16001	08/196,363	February 15, 1994
3785	08/196,362	February 15, 1994
1214	08/220,661	March 31, 1994
1370	08/220,691	March 31, 1994

SEQ ID NOs	U.S. Appl. No.	Filing Date
1665	08/276,163	July 15, 1994
5785	08/346,731	November 21, 1994
2002	08/803,610	February 21, 1997
5063	08/971,050	November 14, 1997
6602 and 11925	08/971,197	November 14, 1997
1219, 4278 and 4296	08/976,343	November 21, 1997
710 and 752	08/985,366	November 4, 1997
3482	08/985,356	December 4, 1997
1360	09/078,614	May 14, 1998

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date: September 15, 1994

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